



POLICE DEPARTMENT

February 8, 2021

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In the Matter of the Charges and Specifications :

- against - :

Police Officer William Scheffler :

Tax Registry No. 931178 :

Bronx Court Section :

Case No.

2019-21277

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At: Police Headquarters
One Police Plaza
New York, NY 10038

Before: Honorable Jeff S. Adler
Assistant Deputy Commissioner Trials

APPEARANCES:

For the Department:

Samuel Yee, Esq.
Department Advocate's Office
One Police Plaza
New York, NY 10038

For the Respondent:

John Tynan, Esq.
Worth, Longworth & London, LLP
111 John Street, Suite 640
New York, NY 10038

To:

HONORABLE DERMOT F. SHEA
POLICE COMMISSIONER
ONE POLICE PLAZA
NEW YORK, NY 10038

CHARGES AND SPECIFICATIONS

1. Said Police Officer William Scheffler, while assigned to the 114th Precinct, on or about and between August 20, 2019, and August 27, 2019, wrongfully engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer wrongfully caused annoyance or alarm to another person, his ex-girlfriend, by repeatedly contacting or attempting to contact her after she had informed him to stop contacting her.

P.G. 203-10, Page 1, Paragraph 5 PUBLIC CONTACT – PROHIBITED
CONDUCT
GENERAL REGULATIONS

2. Said Police Officer William Scheffler, while assigned to the 114th Precinct, on or about August 27, 2019, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, in that said Police Officer made misleading, inaccurate, or incomplete statements during an official Department interview regarding whether he ever went to his ex-girlfriend's building.

P.G. 203-10, Page 1, Paragraph 5 PUBLIC CONTACT – PROHIBITED
CONDUCT
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REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me, by video, on January 12, 2021. Respondent, through his counsel, entered a plea of Guilty to the subject charges and testified in mitigation of the penalty. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review. Having carefully reviewed all of the evidence in this matter, I recommend that Respondent forfeit thirty (30) vacation days, and that he be placed on one-year dismissal probation.

SUMMARY OF EVIDENCE IN MITIGATION

For five years, Respondent had an on-again off-again romantic relationship with a woman ("the complainant"), whom he met through an on-line dating site in April of 2015. Respondent testified that during the course of that relationship, he spent at least one hundred

thousand dollars on the complainant, buying her furniture, groceries, and medication, and helping her pay her rent and other bills. On one occasion, Respondent took out a fifteen thousand dollar pension loan, and deposited twelve thousand dollars into her account. He also helped her find multiple apartments to live in, since she had frequent conflicts with her landlords; Respondent and the complainant never lived together. Sometime after the events in question, the complainant passed away from illness. (Tr. 8-9, 26-29, 34-36, 44-48)

According to Respondent, the last time he saw the complainant in person was around July 18, 2019; he did, however, continue to call and text her, with the expectation that they were going to get back together again. Respondent admitted that around August 19 or 20, the complainant told him to stop calling and texting her. Nevertheless, over the next seven days, Respondent continued to send text messages to the complainant, about one per day, and continued to call her as well. Respondent explained that during the course of their relationship, they frequently had brief separations like this, only to get back together two or three days later when the complainant changed her mind. On August 27, Respondent was served with an order of protection requiring him to stop contacting the complainant, which he obeyed. (Tr. 37-38, 55-58)

Respondent also admitted that on August 17, 2019, he drove to the complainant's residence, got out of his car, and looked inside the window of her first floor apartment to see if he could find her; Respondent did not actually go inside the building. When he didn't see her, Respondent drove on to a nearby dog park to see if he could locate the complainant there. The parties stipulated that there was video evidence showing Respondent exiting his vehicle and approaching the apartment window that day. (Tr. 12, 39-40) Nevertheless, at his Department

interview on August 27, 2019, Respondent provided the following answers to questions posed by Sergeant Rohs:

Sgt. Rohs: So between July 31st and now, you've, you've never – you haven't been to the apartment? You haven't gone there?
Respondent: I didn't go to the apartment on July 31st.
Sgt. Rohs: No. I'm saying since then, you haven't, you haven't been in the apartment?
Respondent: Not in the apartment or –
Sgt. Rohs: Or near?
Respondent: Near it, no. Well, I have to drive by to get to the dog park.
Sgt. Rohs: Okay.
Respondent: So I did drive by it, but I didn't go – I didn't get out. I didn't go in or anything, okay.

(Dept. Ex. 1 at 13)

Respondent testified that he was not being intentionally misleading in his responses, and that he merely was confused; he believed he was being asked about a different day where he did drive straight to the dog park without stopping at the apartment. (Tr. 39-40, 59-60, 63)

Respondent was adamant that he was not infatuated or obsessed with the complainant. Rather, the reason he continued to be involved with the complainant is that he was afraid she would compromise his job by making false allegations against him, as she had done in the past. Respondent claimed that he believed that if he did not continue to placate the complainant, she would follow through on her blackmail threats. (Tr. 32, 49-54)

PENALTY

In order to determine an appropriate penalty, Respondent's service record was examined. See Matter of Pell v. Board of Educ., 34 N.Y.2d 222, 240 (1974). Respondent was appointed to the Department on July 1, 2002. Information from his personnel record that was considered in making these penalty recommendations are contained in an attached confidential memorandum.

In 2018, Respondent negotiated a penalty of 15 days previously served on suspension after he was [REDACTED] trespassing at the home of the complainant.

The Department Advocate recommends that Respondent forfeit thirty (30) vacation days and be placed on one-year dismissal probation, the standard penalty in cases such as these, where Respondent has been charged with making "misleading, inaccurate, or incomplete statements during an official Department interview." Respondent has pleaded guilty to the charges, but argues that based on the surrounding circumstances, including how the complainant repeatedly took advantage of him, that a penalty of fifteen (15) vacation days is appropriate. After carefully considering the evidence presented, I agree with the penalty recommended by the Advocate.

In reaching this decision, I am mindful of Respondent's testimony that he spent upwards of one hundred thousand dollars paying for the complainant's apartments, her bills, her furniture, and other expenses, and his claim that he "placated her" out of concern for his job. I was not persuaded, however, that Respondent continued his relationship with her only out of fear of repercussions; the time, money, and effort he devoted toward being with her, and his persistence in trying to contact her, suggest otherwise. His decision to continue to text and call, even after she specifically told him to stop contacting her, was contrary to the good order, efficiency, and discipline of the Department.

Even more troubling is Respondent's misconduct during his official Department interview. The goal of any internal investigation is to get to the truth, and so truthfulness is expected and demanded of all Department personnel. Here, in his Department interview on August 27, 2019, Respondent denied getting out of his car and walking up to the window of the complainant's apartment, even though it is undisputed that he did just that. Respondent testified that he was not being intentionally misleading, and that his answer, instead, was born out of

confusion; I am not persuaded by that claim, considering the incident in question occurred just 10 days before the interview, on August 17.

As such, even taking into account Respondent's description of his five-year relationship with the complainant, Respondent must be held accountable for the poor choices that he made in connection with that relationship: first, in his decision to continue texting and calling the complainant after she told him to stop, and second, in the answers he provided at his official Department interview. Taking into account the totality of the facts and circumstances in this case, including a prior incident where Respondent was arrested and disciplined for his conduct involving the same complainant, I recommend that Respondent forfeit thirty (30) vacation days, and that he be DISMISSED from the New York City Police Department, but that his dismissal be held in abeyance for a period of one (1) year pursuant to Section 14-115 (d) of the Administrative Code, during which time he remains on the force at the Police Commissioner's discretion and may be terminated at any time without further proceedings.

Respectfully submitted,

Jeff S. Adler

Jeff S. Adler

Assistant Deputy Commissioner Trials

APPROVED

MAY 28 2021

[Signature]
DERMOT SHEA
POLICE COMMISSIONER



POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials

To: Police Commissioner

Subject: CONFIDENTIAL MEMORANDUM
POLICE OFFICER WILLIAM SCHEFFLER
TAX REGISTRY NO. 931178
DISCIPLINARY CASE NO. 2019-21277

Respondent was appointed to the Department on July 1, 2002. On his three most recent annual performance evaluations, he received 4.0 overall ratings of "Highly Competent" for 2014 and 2015, and received a 3.5 overall rating of "Highly Competent/Competent" for 2016. [REDACTED]

[REDACTED]

[REDACTED]

In 2018, Respondent forfeited 15 pre-trial suspension days without pay and agreed to cooperate with counseling after he pled Guilty to (i) wrongfully attempting to enter the home of his former girlfriend without her permission, (ii) failing to timely notify the Operations Unit or his Commanding Officer [REDACTED], and (iii) failing to timely notify his Commanding Officer, the Internal Affairs Bureau, or the Operations Unit regarding an Order of Protection after he was served with one. Fifteen (15) pretrial suspension days were restored to Respondent as part of the negotiated settlement.

Respondent was placed on Level 2 Discipline Monitoring on March 2, 2017; that monitoring remains ongoing.

For your consideration.

Jeff S. Adler

Jeff S. Adler

Assistant Deputy Commissioner Trials